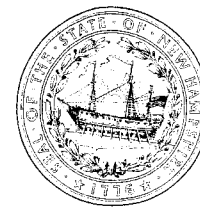




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

March 31, 2005

Tej Tanden
Greenwood Trust VI
617 Rutland Street
Carlisle, MA 01741

LETTER OF DEFICIENCY# WSEB 05-034
CERTIFIED MAIL # 7099 3400 0003 0692 1085

Subject: Derry – Public Water System: Hillside Plaza (EPA# 0616020)

Dear Mr. Tanden:

The records of the Department of Environmental Services (DES) show that the Hillside Plaza water system is classified as a public water system, as defined by RSA 485:1-a. According to NH Admin. Rule Env-Ws 381, all community and non-transient/non-community water systems are subject to the requirements of the Lead and Copper Corrosion Control Rule. In addition, Env-Ws 381.14 requires all systems that exceed the lead action level to perform public education within 60 days of learning of an exceedance and to submit proof of education to DES within 10 days of distributing the lead education material to consumers. The lead education procedures must be repeated every 12 months for as long as the lead exceedance continues.

The Hillside Plaza water system, having exceeded the lead action level based upon the sample results processed by DES on June 12, 2002, was required to perform public education within 60 days (by August 15, 2002) and to submit proof of public education to DES within 10 days of lead education to consumers (by August 25, 2002). On November 20, 2002, DES received proof that lead public education was performed on November 15, 2002. On September 19, 2003, you were notified by letter that lead samples collected on July 31, 2003, had again exceeded the lead action level and that proof of public education was required to be sent to DES by November 10, 2003. DES did not receive the required proof of public education until May 24, 2004.

Since no lead samples were required in 2004, lead public education was required to be repeated within 12 months of the date by which the previous public education was to be performed. Thus, proof that lead public education had been repeated was required to be sent to DES by November 10, 2004. On September 2, 2004, a letter was sent to you reminding you that proof of lead public education was due by November 10, 2004. DES did not receive the required proof of public education by the November 10, 2004, deadline. On December 8, 2004, DES sent you a *Final Reminder* letter that requested you to provide lead education material to all consumers by December 24, 2004. Once again, DES did not receive a response.

On January 8, 2005, DES issued you a Notice of Violation (NOV), copy enclosed, for failing to perform lead education by the November 10, 2004, deadline. The NOV also noted that, pursuant to Env-Ws 351, public notice of the violation was required to be performed within 30 days of the date of the letter. DES did not receive proof of public notice by the February 8, 2005, deadline. On March 9, 2005, DES issued you another NOV for failing to perform public notice. To date, DES has not received proof of lead public education, or proof of public notice for the lead education violation, thus placing the system in violation of Env-Ws 381.14 and Env-Ws 351, respectively.

Letter of Deficiency # WSEB 05-034

Hillside Plaza

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DES believes the violations can be corrected by taking the following actions:

1. By **April 20, 2005**, provide the appropriate lead public education materials to all consumers. The material may indicate that the round of samples collected on February 17, 2005, met the lead action level; and
2. By **April 20, 2005**, provide public notice of the violation issued for failing to provide lead public education material to consumers by November 10, 2004, in accordance with the public notice template enclosed; and
3. By **April 30, 2005**, submit to DES a copy of the education materials provided to consumers along with a cover letter describing how, when, and by whom the materials were distributed; and
4. By **April 30, 2005**, submit proof of public notice of the lead education violation to DES, in accordance with the instruction on the enclosed public notice template.

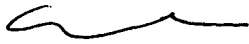
In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an administrative order requiring the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The submissions requested above should be addressed as follows:

Rebecca Presby
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Ms. Presby by phone at (603) 271-2516 or by email at rpresby@des.state.nh.us if you have any questions regarding this letter.

Sincerely,

 **COPY**
Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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encl. Notice of Violation, dated January 28, 2005
Public Notice Template

cc: Gretchen R. Hamel, DES Legal Unit Administrator
Christopher Countie, Primary Operator
Robert Mackey, Town of Derry Health Officer
EPA, Region 1